

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, JULY 21, 1998
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 10:17 a.m. The meeting was recessed by Mayor Golding at 10:35 a.m. to convene the Redevelopment Agency and the Special Joint Council with the Redevelopment Agency to meet simultaneously. Mayor Golding reconvened the regular meeting at 10:40 a.m. with all Council Members present. The meeting was recessed at 11:30 a.m. to reconvene the Redevelopment Agency. Mayor Golding reconvened the regular meeting at 11:46 a.m. with all Council Members present. The meeting was adjourned by Mayor Golding at 11:47 a.m. into closed session on Wednesday, July 22, 1998, at 8:30 a.m. in the twelfth floor conference room to continue discussions of real property negotiations.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present

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(7) Council Member McCarty-present

(8) Council Member Vargas-present

Clerk-Abdelnour (lw)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

PUBLIC COMMENT:

ITEM-PC-1:

After attending the Council meeting on Monday, July 20, 1998, Anne Curo wanted to start dialogue between the decision makers of the City and the homeless, so she recited a poem which she wrote.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A010-035.)

ITEM-PC-2:

Forrest Curo announced that he turned in an injunction against the City for what he believes to be an illegal attempt to stop the homeless demonstration; however, the City Attorney's office did not receive it. He said the City had every opportunity to stop the illegal activities which occurred and included that most of the people were only demonstrating for shelter.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A036-051.)

ITEM-PC-3:

Rich Pearson came before Council to plea for help because of his house being continually flooded. He said the City will not cleanup his house even though he felt the flooding resulted from drainage problems. The City Manager stated he would meet with Mr. Pearson personally this afternoon.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A052-088.)

COUNCIL COMMENT:

ITEM-CC-1:

Mayor Golding commented on the protest which took place at the City Administration Building and in the Concourse area. She said many of the individuals did

accept assistance the City provided and added that the police did an excellent job. She said considering the public safety issues which arose, something had to be done. Mayor Golding continued to say that there were beds available, but some of the homeless did not want to make use of them because of the rules or requirements they would have to follow. Council Member Stevens requested the City Manager to clean, again, that area adjacent to the fountain due to the homeless. City Attorney Casey Gwinn commented on two legal actions they are dealing with in relation to the homeless. He said one is in Federal Court and the other in State Court, and said papers will be filed in response to those actions related to the protest. Mr. Gwinn also explained the operating agreement for the Concourse area and said that storage became the next step in the enforcement effort for the San Diego Police Department. Council Member Stevens also questioned City Attorney Gwinn regarding the legal issues of sitting and occupying a particular area on public property.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A089-152.)

ITEM-CC-2: REFERRED TO CITY MANAGER

Deputy Mayor Wear commented on the storm yesterday which caused some flooding in the beach community. He referred to the City Manager a communication he received regarding some of the problems in Ocean Beach due to the installation of an emergency pump. He also received complaints of inadequate maintenance for the pumps. Deputy Mayor Wear said there are areas within the beach community where the maintenance of storm drains is essential and we need to make sure they are properly maintained.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A153-163.)

ITEM-330:

(Continued from the meeting of Tuesday, June 30, 1998, Item S500, at Councilmember Mathis's request, for proper docketing. Docketed at the direction of the City Council on Tuesday, June 16, 1998, Item 336 A, Resolution No. R-290286.)

SUBJECT: Middle Segment of State Route 56 (SR 56) - Adoption of Findings and Statement of Overriding Considerations, and Mitigation, Monitoring and Reporting Program to support City Council action of June 16, 1998 in connection with certification of LDR-95-0099.

(Carmel Valley and Rancho Penasquitos Community Areas. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1413) ADOPTED AS RESOLUTION R-290467

Adoption of a Resolution adopting the Findings and Statement of Overriding Considerations and the Mitigation, Monitoring and Reporting Program for the Middle Segment of State Route 56 (SR-56).

FILE LOCATION: PERM-95-0099 (65)

COUNCIL ACTION: (Tape location: A290-630.)

Hearing began at 10:40 a.m. and halted at 11:00 a.m.

Testimony in opposition by Dr. Mark Tamsen.

Testimony in favor by Randi Coopersmith, Craig K. Beam, and Gerri Stryker.

MOTION BY MATHIS TO ADOPT THE FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS AND MITIGATION, MONITORING AND REPORTING PROGRAM. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-ineligible, Vargas-yea, Mayor Golding-yea.

ITEM-331:

SUBJECT: This is the public meeting regarding the annual assessments for the Carmel Valley Landscape Maintenance District. Following public testimony at today's meeting, the Council will consider and may confirm the proposed assessments.

(Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Upon affirmative findings at today's public hearing, adopt the following resolution:

(R-98-1192) ADOPTED AS RESOLUTION R-290468

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance in the matter of the Carmel Valley Landscape Maintenance District.

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CITY MANAGER SUPPORTING INFORMATION:

This action establishes the Fiscal Year 1999 assessments for Carmel Valley Landscape Maintenance District (LMD). The district was established in July 1997 to provide maintenance for landscaped medians, landscaped right-of-ways, slopes, mini-parks, community parks, and open space within the district boundaries. The Fiscal Year 1999 proposed maintenance costs for the district are as follows:

DESCRIPTION	FUND		TOTAL
	OPERATIONS	RESERVE	
BEGINNING BALANCE	\$ 0.00	\$179,000.00	\$ 179,000.00
REVENUE:			
Assessments	\$1,044,691.00	\$ 0.00	\$1,044,691.00
Interest	0.00	23,100.00	23,100.00
City Contribution	45,105.00	0.00	45,105.00
TOTAL REVENUE	\$1,089,796.00	\$ 23,100.00	\$1,112,896.00
TRANSFER:	105,463.00	(105,463.00)	0.00
EXPENSE:			
Personnel	\$ 115,770.00	\$ 0.00	\$ 115,770.00
Contractual	715,000.00	0.00	715,000.00
Incidental	154,389.00	0.00	154,389.00
Utilities	209,400.00	0.00	209,400.00
TOTAL EXPENSE	\$1,195,259.00	\$ 0.00	\$1,195,259.00
ENDING BALANCE	\$ 0.00	\$ 96,637.00	\$ 96,637.00

This district uses multiple zones in establishing benefit, based on the type of improvements and level of services provided to each zone. The proposed assessment for Fiscal Year 1999 is \$42.88 in (Zones 1, 4, 5, 6 & 9); \$63.67 in (Zone 7); \$78.40 in (Zone 8); \$101.75 in (Zone 2) and \$297.07 in (Zone 3) per equivalent benefit unit (EBU). The maximum authorized assessment is \$48.86 in (Zones 1, 4, 5, 6 & 9); \$142.84 in (Zone 7); \$135.94 in (Zone 8); \$144.32 in (Zone 2) and \$297.07 in (Zone 3) per EBU indexed annually to the San Diego CPI-U. The district has been

re-engineered and assessments increased from Fiscal Year 1998, due to increasing district costs and expansion of the district boundaries.

The district contains 14,975.47 equivalent benefit units (EBU's), broken down as follows: (Zone 1) 7,306.53 EBU's; (Zone 2) 992.34 EBU's; (Zone 3) 1,249.85 EBU's; (Zone 4) 1,157.22 EBU's; (Zone 5) 1,230.13 EBU's; (Zone 6) 1,017.35 EBU's; (Zone 7) 1,269.84 EBU's; (Zone 8) 452.2 EBU's and (Zone 9) 300 EBU's.

FILE LOCATION: STRT - M-393-99

COUNCIL ACTION: (Tape location: A164-213; B193-212.)

Mayor Golding opened the hearing at 10:29 a.m. and recessed the hearing at 10:34 a.m. with direction to staff to tally the ballots.

Mayor Golding resumed the hearing at 11:18 a.m.

Shari Sacks of Financial Services announced the tally for the Carmel Valley Landscape Maintenance District: 80.5 percent in favor (\$289,568.96); 19.5 percent in opposition (\$70,217.68).

Mayor Golding closed the hearing at 11:19 a.m.

MOTION BY MATHIS TO ADOPT ITEMS 331, 333, AND 334. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-332:

SUBJECT: This is the public meeting regarding the annual assessments for the Washington Street Landscape Maintenance District. Following public testimony at

today's meeting, the Council will consider and may confirm the proposed assessments.

(Mission Hills Community Area. District-2).

CITY MANAGER'S RECOMMENDATION:

Upon affirmative findings at today's public hearing, adopt the following Resolution:

(R-98-1301) CONTINUED TO JULY 28, 1998

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance in the matter of the Washington Street Landscape Maintenance District.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the Fiscal Year 1999 assessments for Washington Street Landscape Maintenance District (LMD). The district was established in July 1993 to provide maintenance for the landscaping improvements on the Washington Street center islands. For Fiscal Year 1999, the district will maintain 9,000 sq. ft. of medians (7,168 sq. ft. of landscaped medians), 44,000 sq. ft. of landscaped slopes, 1,120 sq. ft. of street trees and 10,000 sq. ft. of hardscape sidewalks. Additional landscape median improvements of 6,572 sq. ft. will require maintenance in future years.

The Fiscal Year 1999 proposed maintenance costs for the district are as follows:

DESCRIPTION	OPERATIONS	FUND RESERVE	TOTAL
BEGINNING BALANCE	\$ 0.00	\$ 5,000.00	\$ 0.00

REVENUE:			
Assessments	\$ 19,574.00	\$ 0.00	\$ 19,574.00
Interest	0.00	130.00	130.00
City Contribution	1,080.00	0.00	1,080.00
TOTAL REVENUE	\$ 20,654.00	\$ 130.00	\$ 20,784.00
TRANSFER:	2,825.00	(2,825.00)	0.00
EXPENSE:			
Personnel	\$ 2,733.00	\$ 0.00	\$ 2,733.00
Contractual	12,000.00	0.00	12,000.00
Incidental	5,916.00	0.00	5,916.00
Utilities	2,830.00	0.00	2,830.00
TOTAL EXPENSE	\$ 23,479.00	\$ 0.00	\$ 23,479.00
ENDING BALANCE	\$ 0.00	\$ 2,305.00	\$ 2,305.00

The proposed assessment for Fiscal Year 1999 is \$9.04 per equivalent benefit unit (EBU) and the maximum authorized assessment is \$14.91 per EBU indexed annually to the San Diego CPI-U. An assessment was not levied in Fiscal Year 1998. Reserve funds were used for maintenance while the district was re-engineered. The district contains 2,165 equivalent benefit units (EBU's).

FILE LOCATION: STRT - M-410-99

COUNCIL ACTION: (Tape location: B008-187.)

Hearing began at 11:01 a.m. and halted at 11:17 a.m.

Testimony in opposition by Harold Peck, Marguerite Stitt, F. Carol Adams, and Arlene Van de Wetering.

MOTION BY WEAR TO KEEP THE HEARING OPEN AND CONTINUE TO JULY 28, 1998, TO ALLOW TIME TO RESPOND TO OTHER ISSUES. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-333:

SUBJECT: This is the public meeting regarding the annual assessments for the First San Diego River Improvement Project Landscape Maintenance District. Following public testimony at today's meeting, the Council will consider and may confirm the proposed assessments.

(Mission Valley Community Area. District-6).

CITY MANAGER'S RECOMMENDATION:

Upon affirmative findings at today's public hearing, adopt the following Resolution:

(R-98-1232) ADOPTED AS RESOLUTION R-290469

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance in the matter of the First San Diego River Improvement Project Landscape Maintenance District.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the Fiscal Year 1999 assessments for the First San Diego River Improvement Project Landscape Maintenance District (LMD). The district was established in 1987 to provide maintenance for the San Diego River earthen flood control channel, eight river islands inside the channel zone, and an approximately 20 foot wide buffer zone running along and adjacent to the channel embankments.

The Fiscal Year 1999 proposed maintenance costs for the district are as follows:

DESCRIPTION	OPERATIONS	FUND RESERVE	TOTAL
BEGINNING BALANCE	\$ 0.00	\$532,885.00	\$532,885.00

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REVENUE:			
Assessments	\$144,695.00	\$ 0.00	\$144,695.00
Interest	0.00	21,500.00	21,500.00
TOTAL REVENUE	\$144,695.00	\$ 21,500.00	\$166,195.00
TRANSFER:	507,806.00	(507,806.00)	0.00
EXPENSE:			
Personnel	\$ 39,444.00	\$ 0.00	\$ 39,444.00
Contractual	520,366.00	0.00	520,366.00
Incidental	44,991.00	0.00	44,991.00
Utilities	47,700.00	0.00	47,700.00
TOTAL EXPENSE	\$652,501.00	\$ 0.00	\$652,501.00
ENDING BALANCE	\$ 0.00	\$ 46,579.00	\$ 46,579.00

The total proposed assessment for Fiscal Year 1999 is the sum of \$390.94 per aesthetics benefit unit and \$3,952.24 per flood safety benefit unit indexed annually to the San Diego CPI-U. The District has been re-engineered to include additional parcels and a change in apportionment methodology; individual parcels may be impacted by the change in apportionment. The district contains 1,138 parcels, 185.06 benefit units based on aesthetics and 18.3055 benefit units based on flood safety.

FILE LOCATION: STRT - M-381-99

COUNCIL ACTION: (Tape location: A164-213; B197-212.)

Mayor Golding opened the hearing at 10:29 a.m. and recessed the hearing at 10:34 a.m. with direction to staff to tally the ballots.

Mayor Golding resumed the hearing at 11:18 a.m.

Shari Sacks of Financial Services announced the tally for the First San Diego River Improvement Project Landscape Maintenance District: 90.9 percent in favor (\$68,086.40); 9.1 percent in opposition (\$6,837.79).

Mayor Golding closed the hearing at 11:19 a.m.

MOTION BY MATHIS TO ADOPT ITEMS 331, 333, AND 334. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-334:

SUBJECT: This is the public meeting regarding the annual assessments for the Miramar Ranch North Landscape Maintenance District. Following public testimony at today's meeting, the Council will consider and may confirm the proposed assessments.

(Miramar Ranch North Community Area. District-5).

CITY MANAGER'S RECOMMENDATION:

Upon affirmative findings at today's public hearing, adopt the following resolution:

(R-98-1189) ADOPTED AS RESOLUTION R-290470

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance in the matter of the Miramar Ranch North Landscape Maintenance District.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the Fiscal Year 1999 assessments for Miramar Ranch North Landscape Maintenance District (LMD). The district was established in 1987 to provide maintenance for 69,254 sq. ft. of landscape medians, 36.76 acres of landscaped

slopes, 7.25 acres of landscaped right-of-ways, 2.77 acres of "interpretive/pocket" parks and 231 acres of open space within the district boundaries. A \$300,000 slope rehabilitation program is being included in the budget over the next three year period. The Fiscal Year 1999 proposed maintenance costs for the district are as follows:

DESCRIPTION	FUND		
	OPERATIONS	RESERVE	TOTAL
BEGINNING BALANCE	\$ 0.00	\$158,313.00	\$158,313.00
REVENUE:			
Assessments	\$413,361.00	\$ 0.00	\$413,361.00
Interest	0.00	1,200.00	1,200.00
City Contribution	14,085.00	0.00	14,085.00
TOTAL REVENUE	\$427,446.00	\$ 1,200.00	\$428,646.00
TRANSFER:	76,709.00	(76,709.00)	0.00
EXPENSE:			
Personnel	\$ 42,037.00	\$ 0.00	\$ 42,037.00
Contractual	220,000.00	0.00	220,000.00
Incidental	162,618.00	0.00	162,618.00
Utilities	79,500.00	0.00	79,500.00
TOTAL EXPENSE	\$504,155.00	\$ 0.00	\$504,155.00
ENDING BALANCE	\$ 0.00	\$ 82,804.00	\$ 82,804.00

The proposed assessment for Fiscal Year 1999 is \$52.76 in zone 1 and \$73.19 in zone 2 per equivalent benefit unit (EBU). The proposed assessment for Fiscal Years 2000-2001 is \$56.68 in zone 1 and \$101.05 in zone 2 per EBU and the maximum authorized assessment is \$44.85 in zone 1 and \$112.78 in zone 2 per EBU indexed annually to the San Diego CPI-U. In re-engineering the District, the boundaries have been expanded and two benefit zones established.

Although the assessment decreased from \$83.50 per EBU in Fiscal Year 1998, individual parcels may be impacted by the change in apportionment. The district contains 5,445.21 equivalent benefit

units (EBU's), 2,506.69 EBU's in zone 1 and 3,840.93 EBU's in zone 2.

FILE LOCATION: STRT - M-385-99

COUNCIL ACTION: (Tape location: A164-213; B201-212.)

Mayor Golding opened the hearing at 10:29 a.m. and recessed the hearing at 10:34 a.m. with direction to staff to tally the ballots.

Mayor Golding resumed the hearing at 11:18 a.m.

Shari Sacks of Financial Services announced the tally for Miramar Ranch North Landscape Maintenance District: 80.1 percent in favor (\$304,489.04); 19.9 percent in opposition (\$75,820.91).

Mayor Golding closed the hearing at 11:19 a.m.

MOTION BY MATHIS TO ADOPT ITEMS 331, 333, AND 334. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-335:

SUBJECT: Support for Tax-Exempt Financing for Triton Industries, Inc.

(Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Hold the required public hearing and adopt the following resolution:

(R-98-1593) RETURNED TO CITY MANAGER

Approving the issuance of not to exceed \$5.05 million aggregate principal amount of tax-exempt Industrial Development Revenue Bonds (Triton Industries, Inc. Project).

CITY MANAGER SUPPORTING INFORMATION:

The City Council is required to hold a public hearing supporting issuance of tax exempt private activity conduit revenue bonds by the California Statewide Communities Development Authority Joint Powers Agency (CSCDA) of up to \$5.05 million as part of an economic incentive package for Triton Industries, Inc. to attract its California metal stamping and fabricating operations from Chicago to the San Ysidro/Otay Mesa Enterprise Zone. Bond proceeds will finance acquisition and construction of a new 40,000 square foot manufacturing plant (with 30,000 additional square feet to be built later) on a 4.53 acre lot located on Kerns Street, near Sarnen Street (Lot No. 26, Map-12659), creating 80 high paying jobs. (Because the specific site selected by Triton within the Enterprise Zone has changed, the required public hearing originally held on March 17, 1998 is being redone). CSCDA, which will be the issuer, has previously issued bonds through the City for various San Diego manufacturers.

As with previous issues, the City's name will not appear on the bonds and there will be no further City involvement in the financing. By authorizing this financing by CSCDA, the Council will be facilitating the attraction of an important new employer to a City Enterprise Zone by assisting the company in obtaining the most cost-effective financing available for its capital expansion project.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A164-213.)

CONSENT MOTION BY WARDEN TO RETURN TO THE CITY MANAGER FOR FURTHER REVIEW AT HIS REQUEST. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-336:

SUBJECT: Two actions related to Proposed Amendments to the Las Flores Apartments and Summerset Village Apartments Multifamily Housing Revenue Bonds.

(See San Diego Housing Commission Report HCR-98-082. Districts-1 & 5.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Introduce the following ordinances:

Subitem-A: (O-98-152) INTRODUCED, TO BE ADOPTED
AUGUST 3, 1998

Introduction of an Ordinance authorizing certain amendments to and a remarketing of the \$27,235,000 Multifamily Housing Refunding Revenue Bonds, 1991 Issue A, (Las Flores Apartments), and prescribing certain related matters; authorizing the execution of related documents, agreements, and actions.

Subitem-B: (O-98-151) INTRODUCED, TO BE ADOPTED
AUGUST 3, 1998

Introduction of an Ordinance authorizing certain amendments to and a remarketing of the \$33,800,000 Variable Rate Demand Multifamily Housing Revenue Bonds, Issue E of 1985 (Lusk Mira Mesa Apartments, now known

as Summerset Village Apartments), and prescribing certain related matters; authorizing the execution of related documents, agreements, and actions.

FILE LOCATION: Subitems A,B: NONE

COUNCIL ACTION: (Tape location: A164-213.)

Hearing began at 10:29 a.m. and halted at 10:34 a.m.

CONSENT MOTION BY WARDEN TO INTRODUCE THE ORDINANCES.
Second by Wear. Passed by the following vote: Mathis-yea,
Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-337:

SUBJECT: Request to Bid Gaslamp Sidewalk Improvements.

(See CCDC's 6/10/98 memorandum. Gaslamp Community
Area. District-2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1524) ADOPTED AS RESOLUTION R-290471

Making certain findings with respect to the payments for the construction of sidewalk improvements in the Gaslamp Quarter; making certain findings with respect to the payments for these improvements;

Authorizing the Centre City Development Corporation to advertise and receive bids for construction and installation of sidewalk improvements for the Gaslamp Quarter, and to award the contract to the lowest

qualified bidder, provided the bid is within the
established budget;

Declaring that the total amount of the contract shall
not exceed \$26,581.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A164-213.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Wear. Passed
by the following vote: Mathis-yea, Wear-yea, Kehoe-yea,
Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea,
Vargas-yea, Mayor Golding-yea.

ITEM-338:

SUBJECT: Two actions related to Point Loma Library Expansion -
Condemnation.

(See City Manager Report CMR-98-146. Peninsula
Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-1599) ADOPTED AS RESOLUTION R-290472

FINDINGS MUST BE MADE AS PART OF COUNCIL ADOPTION

Determining and declaring that the public interest,
convenience and necessity of the City of San Diego
requires the Point Loma Library Expansion Project in
order to provide for the current and projected needs of
the community, consistent with the Peninsula Community

Plan and the City's General Plan guidelines; that the expansion project will enable the City to provide for a modern library and Community Service Center Facility, a park and necessary expanded parking facilities; that the expansion will necessarily require the acquisition of fee simple title to real property located at 3753 Voltaire Street; and that the public interest, convenience and necessity demand the acquisition;

Declaring the intention of the City to acquire the property under eminent domain proceedings;

Directing the City Attorney to commence an action in the Superior Court of the State of California, in and for the County of San Diego, for the purpose of condemning and acquiring the property and acquiring immediate possession.

Subitem-B: (R-98-1600) ADOPTED AS RESOLUTION R-290473

Authorizing the expenditure of not to exceed \$400,000 from Fund 30244, Org. 106, Object Account 4638, Job Order 350670, CIP-35-067.0, for costs related to condemnation of fee title interest in connection with the Point Loma Library Expansion Project.

Aud. Cert. 9801486.

FILE LOCATION: Subitems A,B: Notice of Completion F-7669;
MEET

COUNCIL ACTION: (Tape location: B228-364.)

Hearing began at 11:20 a.m. and halted at 11:29 a.m.

Testimony in opposition by Tom Pastore.

MOTION BY WEAR TO ADOPT THE MANAGER'S RECOMMENDATION.
Second by Mathis. Passed by the following vote:
Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea,
Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

NON-DOCKET ITEMS:

None.

ITEM-CS-1: (R-99-114) ADOPTED AS RESOLUTION R-290477

A Resolution adopted by the City Council in Closed Session
on July 21, 1998:

Authorizing the City Manager to pay the sum of \$35,470.74 in
the settlement of each and every claim against The City of
San Diego, its agents and employees resulting from personal
injury and property damage to Peter Brennan, et al., in the
incident more fully set forth in Brennan, et al. v. City of
San Diego, San Diego Superior Court Case No. 717739;
authorizing the City Auditor and Comptroller to issue
multiple checks in various amounts, up to but not exceeding
\$35,470.74 in full settlement of all claims.

FILE LOCATION: MEET

Aud. Cert. 9900027

ITEM-CS-2: (R-99-0013) ADOPTED AS RESOLUTION R-290478

A Resolution adopted by the City Council in Closed Session
on July 21, 1998:

Authorizing the City Manager to pay the sum of \$43,395.00 in the settlement of each and every claim against The City of San Diego, its agents and employees resulting from property damage to John and Bonnie Farraggio, et al; authorizing the City Auditor and Comptroller to issue six checks, up to but not exceeding \$44,130.00; one made payable to David Zeiger in the amount of \$7,035.00; one made payable to John Farraggio in the amount of \$15,056.00; one made payable to Marvin Schrader in the amount of \$1,168.00; one made payable to Grant Hutter in the amount of \$770.00; one made payable to Blake Brueggemeyer in the amount of \$17,946.00; and one made payable to Dan McLeod in the amount of \$1,420.00 in full settlement of all claims.

FILE LOCATION: MEET

Aud. Cert. 9801499

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 11:47 a.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: C053).